

**47 CFR Part 76**

[CS Docket No. 95-143; DA 95-1881]

**Cable Television Service; List of Major Television Markets****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** The Commission, through this action, invites comments on its proposal to amend its rules regarding the listing of major television markets, to change the designation of the Pittsburgh, Pennsylvania television market to include the community of Greensburg, Pennsylvania. This action is taken at the request of Cornerstone Television, Inc., licensee of television station WPCB-TV, channel 40, Pittsburgh, Pennsylvania and it is taken to test the proposal for market hyphenation through the record established based on comments filed by interested parties.

**DATES:** Comments are due on or before October 31, 1995 and reply comments are due on or before November 15, 1995.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** William H. Johnson, Cable Services Bureau, (202) 416-0800.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rulemaking*, CS Docket 95-143, adopted August 30, 1995 and released September 8, 1995. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW, Washington, D.C. 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 1919 M Street, NW, Washington, D.C. 20554.

**Synopsis of the Notice of Proposed Rule Making**

1. The Commission, in response to a Petition for Rule Making filed by the petitioner, proposed to amend Section 76.51 of the Rules to add the community of Greensburg to the Pittsburgh television market.

2. In evaluating past requests for hyphenation of a market, the Commission has considered the following factors as relevant to its examination: (1) The distance between the existing designated communities and the community proposed to be added to the designation; (2) whether cable carriage, if afforded to the subject station, would extend to areas beyond its Grade B signal coverage area; (3) the presence of a clear showing of a

particularized need by the station requesting the change of market designation; and (4) an indication of benefit to the public from the proposed change. Each of these factors helps the Commission to evaluate individual market conditions consistent "with the underlying competitive purpose of the market hyphenation rule to delineate areas where stations can and do, both actually and logically, compete."

3. Based on the facts presented, the Commission believes that a sufficient case for redesignation of the subject market has been set forth so that this proposal should be tested through the rule making process, including the comments of interested parties. It appears from the information before the Commission that the television stations licensed to Pittsburgh, Pennsylvania do compete throughout much of the proposed combined market area, and that sufficient evidence has been presented tending to demonstrate commonality between the proposed communities to be added to the market designation and the market as a whole that "hyphenation" of the market should be proposed. Moreover, the petitioners' proposal appears to be consistent with the Commission's policies regarding redesignation of a hyphenated television market. accordingly, comment is requested on the proposed addition of Greensburg to the Pittsburgh, Pennsylvania television market.

**Initial Regulatory Flexibility Analysis**

4. The Commission certifies that the Regulatory Flexibility Act of 1980 does not apply to this rulemaking proceeding because if the proposed rule amendment is promulgated, there will not be a significant economic impact on a substantial number of small business entities, as defined by Section 601(3) of the Regulatory Flexibility Act. A few cable television system operators will be affected by the proposed rule amendment. The Secretary shall send a copy of this *Notice of Proposed Rule Making*, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. Section 601 *et seq.* (1981).

**Ex Parte**

5. This is a non-restricted notice and comment rule making proceeding. *Ex parte* presentations are permitted, provided they are disclosed as provided in the Commission's Rules. See generally 47 CFR 1.1202, 1.1203 and 1.1206(a).

**Comment Dates**

6. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on or before October 31, 1995, and reply comments on or before November 15, 1995.

All relevant and timely comments will be considered before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

7. Accordingly, this action is taken by the Deputy Chief, Cable Services Bureau, pursuant to authority delegated by Section 0.321 of the Commission's Rules.

**List of Subjects in 47 CFR Part 76**

Cable television.

Federal Communications Commission

**William H. Johnson,***Deputy Chief, Cable Services Bureau.*

[FR Doc. 95-22246 Filed 9-7-95; 8:45 am]

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**DEPARTMENT OF DEFENSE****48 CFR Part 225****Defense Federal Acquisition Regulation Supplement; Applicability of Trade Agreements****AGENCY:** Department of Defense (DoD).**ACTION:** Proposed rule with request for comment.

**SUMMARY:** The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to provide that the value of an acquisition for purposes of determining the applicability of both NAFTA and the Trade Agreements Act is the total estimated value of all end products subject to the acts.

**DATES:** *Comment Date:* Comments on the proposed rule should be submitted in writing to the address below on or before November 7, 1995, to be considered in the formulation of the final rule.

**ADDRESSES:** Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 95-D022 in all correspondence related to this issue.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, (703) 602-0131.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

This proposed rule amends language in the Defense Federal Acquisition Regulation Supplement (DFARS) to change the valuation basis for the purpose of meeting thresholds under the North American Free Trade Agreement (NAFTA) and the Trade Agreements Act (TAA) to the estimated combined value of all line items subject to the acts, rather than valuing each line item separately. The purpose of the change is to comply with the requirements of NAFTA. For consistency, since all acquisitions subject to the Trade Agreements Act are also subject to NAFTA, this valuation method is made applicable to the Trade Agreements Act threshold as well.

**B. Regulatory Flexibility Act**

The proposed rule may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the proposed rule changes the valuation method used by contracting officers to determine whether a procurement is subject to a trade agreement. The proposed rule will not diminish existing preferences for small businesses because purchases under small and small disadvantaged business preference programs are exempted from the trade agreements. An initial Regulatory Flexibility Analysis has been prepared and may be obtained from the address stated herein. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected subpart will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 95-D022 in correspondence.

**C. Paperwork Reduction Act**

This rule does not impose any additional information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

**List of Subjects in 48 CFR Part 225**

Government procurement.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

Therefore, 48 CFR Part 225 is proposed to be amended as follows:

**PART 225—FOREIGN ACQUISITION**

1. The authority citation for 48 CFR Part 225 continues to read as follows:

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

2. Section 225.402 is amended by revising paragraph (a) to read as follows:

**225.402 Policy.**

(a) To estimate the value of the acquisition, use the total estimated value of end products subject to trade agreement acts (see 225.403-70).

(1) See 225.105 for evaluation of eligible products and U.S. made end products.

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 670**

[Docket No. 950825218-5218-01; I.D. 073195A]

RIN 0648-AE47

**Coral Reef Resources of Puerto Rico and the U.S. Virgin Islands; Initial Regulations**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS issues this proposed rule to implement the Fishery Management Plan for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands (FMP). This rule proposes restrictions on the taking of coral reef resources in or from the exclusive economic zone (EEZ) around Puerto Rico and the U.S. Virgin Islands. NMFS, based on a preliminary evaluation of the FMP, has disapproved two measures involving the adoption of state permit and reporting requirements because the state permit systems are not yet fully developed, and the state regulations authorizing these

permits, where they exist, do not satisfy the requirements of the Administrative Procedure Act, the Magnuson Fishery Conservation and Management Act (Magnuson Act), and other applicable laws. The proposed rule would implement the remaining measures in the FMP. The intended effect is to protect important marine resources.

**DATES:** Written comments must be received on or before October 16, 1995.

**ADDRESSES:** Comments on the proposed rule must be sent to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of the FMP, which includes a regulatory impact review and an environmental impact statement, should be sent to the Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, PR 00918-2577.

Comments regarding the collection-of-information requirement contained in this proposed rule should be sent to Edward E. Burgess, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

**FOR FURTHER INFORMATION CONTACT:** Georgia Cranmore, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The FMP was prepared by the Caribbean Fishery Management Council (Council) under the authority of the Magnuson Act.

**Background**

The FMP addresses corals and reef-associated plants and invertebrates (coral reef resources) in the waters of the Commonwealth of Puerto Rico and the Territory of the U.S. Virgin Islands (states) and the waters of the adjoining EEZ. The proposed regulations would govern conservation and management of coral reef resources in or from the adjoining EEZ. The FMP was developed to address general concern for the effects of man's activities on coral reef resources, including pollution resulting from coastal development, and the new and rapidly expanding fishery for the marine aquarium industry, especially in Puerto Rico.

The waters off Puerto Rico could become the principal source of live coral reef resources for the U.S. marine aquarium market, because other areas of the Caribbean and Florida have restricted commercial harvest operations by gear regulations and some quotas. The Council is concerned about the potential impacts of the aquarium